

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 15, and 18-19 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-39 are now pending in this application.

On Page 2 of the Office Action, the Examiner objected to the drawings stating that “the transponder in claim 30 connected to the power supply and deriving its timeslot from the AC power signal must be shown.” Applicant respectfully traverses the objection. It is believed that the Examiner meant to object to Claim 31. Claim 31 recites that the transponder circuit echoes interrogation signals only during an assigned timeslot “wherein the timeslot is derived from a phase of an AC power signal.” However, Claim 31 does not require that the transponder derives its timeslot from the AC signal, merely that the timeslot is derived from the AC power signal. The derived timeslot may be received in the wireless interrogation signal. Accordingly, no transponder connected to the AC power signal is required. Reconsideration and withdrawal of the objection to the drawings is respectfully requested.

Also on Page 2 of the Office Action, the Examiner rejected Claims 18-19 under 35 U.S.C. §112 as being indefinite. Claims 18 and 19 have been amended to clarify that two separate and distinct wireless transmissions are being made by the beacon. The first, described in a) is a wireless transmission from the beacon to a transponder, the second, described in b) is a wireless transmission from the beacon to a receiver. The two transmissions may be made using separate bands and transmission power as recited in amended claims 18 and 19. Reconsideration and withdrawal of the rejection of Claims 18 and 19 is respectfully requested.

On Page 3 of the Office Action, the Examiner rejected Claims 1, 6, 10, 12 and 15 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,150,921 to Werb et al. (hereinafter Werb et al.) Claims 1 and 15 have been amended to recite that the transmission between the beacon and the receiver is a wireless transmission.

The Examiner has stated that Werb et al. teaches that “each beacon retransmits an interrogation signal and a resulting transponder response to the receiver for analysis.” However, Werb et al. does not teach or suggest a wireless transmission from a beacon to a receiver. Werb et al. merely shows antennas 104 coupled to cell controllers through coaxial cables 103. (Werb et al., Col. 3, Line 60 – Col. 4, Line 5 and Fig. 1) Further, an antenna is not a transmitter and cannot be configured for retransmitting an interrogation signal and resulting transponder response. Accordingly, every element of independent Claims 1 and 15 is not shown, taught, or suggested by Werb et al. Reconsideration and withdrawal of the rejection of Claims 1 and 15 is respectfully requested.

Claims 6, 10, and 12 depend from Claim 1 and include all of the limitations thereof. Accordingly, these claims are allowable for at least the reasons described above with reference to Claim 1. Reconsideration and withdrawal of the rejection of Claims 6, 10 and 12 is respectfully requested.

Claims 2-5, 7-9, 11, 13-14, 16 and 18-22 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Werb et al. in view of, variously, U.S. Patent No. 6, 377,203 to Doany, U.S. Patent No. 6,150,921 to Pennington, U.S. Patent No. 5,251,021 to Parulski et al., U.S. Patent No. 4,434,510 to Lemelson, U.S. Patent No. 6,564,807 to Schulman et al., U.S. Patent No. 6,407,695 to Stierlin et al., U.S. Patent No. 6,058,374 to Guthrie et al., and U.S. Patent No. 6,104,295 to Gaisser et al.

The patents cited in combination with Werb et al. do not cure the deficiencies in Werb et al. noted above with reference to Claims 1 and 15. Because Werb et al. does not teach or suggest a wireless transmission from a beacon to a receiver, Werb et al., alone or in combination with the cited references does not teach or suggest wirelessly transmitting an interrogation signal and resulting transponder response from a beacon to a receiver. Claims

2-5, 7-9, 11, and 13-14 depend from Claim 1 and include all of the limitations thereof. Claims 16 and 18-22 depend from Claim 15 and include all of the limitations thereof. Accordingly, these claims are allowable for at least the reasons described above with reference to Claims 1 and 15. Reconsideration and withdrawal of the rejection of Claims 2-5, 7-9, 11, 13-14, and 16 and 18-22 is respectfully requested.

The Examiner has rejected Claims 23 and 35 under 35 U.S.C. §103(a) as being unpatentable over Gaisser et al. in view of Werb et al. The Examiner stated that it would have been obvious to have a transponder module which is adapted to be releasably attached to a disposable wristband. However, Gaisser et al. only teaches a disposable wristband having integral circuitry which is disposed with the wristband. Further, Gaisser et al. teaches the advantage of having inexpensive wristbands which are meant to be discarded which teaches away from attaching circuitry that is not to be discarded. (Gaisser et al., Col. 1, Lines 28-30) Werb et al., does not teach or suggest releasably attaching transponders to a disposable wristband. Accordingly, Gassier et al., alone or in combination with Werb et al. does not teach or suggest a transponder module which is adapted to be releaseably attached to a disposable wristband as cited in Claim 23 and described in Claim 35. Reconsideration and withdrawal of the rejection of Claims 23 and 35 is respectfully requested.

The Examiner also rejected Claims 24, 26, 28, 38 and 39 under 35 U.S.C. §103(a) as being unpatentable over Gaisser et al. in view of Werb et al. Claims 23-24, 26 and 28 depend from Claim 23 and include all of the limitations thereof. Claims 38 and 39 depend from Claim 35 and include all of the limitations thereof. Accordingly, these claims are allowable for at least the reasons described above with reference to Claims 23 and 35. Reconsideration and withdrawal of the rejection of Claims 24, 26, 28, 38 and 39 is respectfully requested.

The Examiner rejected Claims 25, 27, 29-34, and 36-37 under Gaisser et al. in view of Werb et al. in further view of, variously, U.S. Patent No. 5,838253 to Wurz et al., U.S. Patent No. 6,480,699 to Lavoie, U.S. Patent No. 5,944,659 to Flach et al., U.S. Patent No. 5,838226 to Houggy et al., U.S. Patent No. 5,650,778 to Urbas et al. and Schulman et al.

The patents cited in combination with Gaisser et al. and Werb et al. do not cure the deficiencies in Gassier et al. in view of Werb et al. noted above with reference to Claims 23 and 35 because the cited patent do not show a transponder module which is adapted to be releaseably attached to a disposable wristband. Claims 25, 27, and 29-34 depend from Claim 23 and include all of the limitations thereof. Claims 36-37 depend from Claim 35 and include all of the limitations thereof. Accordingly, these claims are allowable for at least the reasons described above with reference to Claims 23 and 35. Reconsideration and withdrawal of the rejection of Claims 25, 27, 29-34, and 36-37 is respectfully requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Please note that an Information Disclosure Statement including U.S. Patent No. 6,529,164 to Carter (Current Applicant) is being filed herewith.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2401. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2401. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2401.

Respectfully submitted,

Date 12/3/03

By Michael S. Brayer

FOLEY & LARDNER

Customer Number: 33679

Telephone: (414) 297-5684

Facsimile: (414) 297-4900

Michael S. Brayer

Attorney for Applicant

Registration No. 51,495